THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.11461 OF 2004

Dated:21.07.2006

Between:

Sri Rama Sugars Staff and Workers.

... PETITIONER

And:

The Registrar of Co-Operative Societies, and others.

...**RESPONDENTS**

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.11461 OF 2004

ORDER:

This writ petition is filed seeking a mandamus calling for the records from respondents 1 to 3 relating to the alleged winding up and cancellation of the registration of the petitioner-society and sale of the petition schedule land by the third respondent to the 4th respondent, and to declare that the winding up proceedings, cancellation of the registration of the petitioner-Society and the sale deed executed by the third respondent in favour of the 4th respondent are null and void.

There is no necessity of going into all the details of the case. It is the case of the petitioner that Sri Rama Sugar Factory was held by Raja of Bobbili. Raja of Bobbili sold an extent Ac.2.00 of land to the petitioner, through registered sale deed 07.12.1960. The petitioner has been in possession and enjoyment of the same all through. It is the further case of the petitioner that surprisingly it came to know that

winding up proceedings in respect of the petitioner-society were issued by the authorities under the Andhra Pradesh Cooperative Societies Act, 1964 (for short "the Act") and thereafter, the land in the possession of the petitioner has been registered in the name of the fourth respondent by the third respondent in the year 1993. Hence, this writ petition.

Admittedly, the petitioner has an effective alternative remedy by way of an appeal before the Cooperative Tribunal, constituted under the Act, to work out its remedy. In this writ petition, it is difficult to go into the questions as to whether really winding up proceedings were issued or

whether the same were issued legally, or whether the petitioner-society is in possession of the property, or whether it was sold in the year 1993, and whether the sale deed executed in favour of the fourth respondent is valid or not. Therefore, no adjudication can be made under Article 226 of the Constitution of India and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to work out its remedies as available under law. No order as to costs.

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21.07.2006

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